

REMARKS

Claims 1-42 are pending in the application, of which claims 1, 17, 24 and 31 are independent.

The § 112 Rejection Has Been Overcome

The Office has rejected previously presented claim 31 under 35 U.S.C. § 112 for reciting a claim limitation with insufficient antecedent basis.

Applicants have amended claim 31 to correct an inadvertent drafting error that led to this rejection, and respectfully request that the rejection be withdrawn.

The Claims Are Not Anticipated by Slotznick

The Office has rejected the previously presented claims under 35 U.S.C. § 102(b) as being anticipated by Slotznick (U.S.P. 6,011,537). Applicants respectfully traverse this rejection, and submit that each pending claim is patentably distinguishable over Slotznick.

In order for a claim to be anticipated under 35 U.S.C. § 102, the reference must disclose, either expressly or inherently, each and every element as set forth in the claim. M.P.E.P. § 2131. Such anticipation does not occur in the instant application, however, because Slotznick fails to disclose each and every element as set forth in the pending claims for at least the following reasons:

Slotznick Does Not Teach or Suggest Advertisements Served Up in Association with a Displayable Status Indicator of Concurrent Downloading Activity of a Network Data Stream

Independent claim 1 recites, in part, an advertisement “served up . . . in association with a displayable status indicator of the concurrent downloading activity of the new network data stream”. Independent claims 17 and 24 include similar recitations. Slotznick neither teaches nor suggests such a limitation.

Accordingly, for at least this reason, Slotznick does not anticipate independent claims 1, 17 and 24. Furthermore, as dependent claims 2-16, 17-23 and 25-30 depend from and further limit their respective independent claims 1, 17 and 24, Applicants respectfully submit that for at

least the same reason as above claims 2-16, 17-23 and 25-30 are also not anticipated by Slotznick under 35 U.S.C. § 102.

Slotznick Does Not Teach or Suggest Advertisement Data Streams Stored in Association with Code for Displaying a Status Indicator of Concurrent Downloading Activity of a Network Data Stream

Independent claim 31 recites, in part, an advertisement data stream “stored . . . in association with code for displaying a status indicator of concurrent downloading activity of a network data stream”. Slotznick neither teaches nor suggests such a limitation.

Accordingly, for at least this reason, Slotznick does not anticipate independent claim 31. Furthermore, as dependent claims 32-42 depend from and further limit independent claim 31, Applicants respectfully submit that for at least the same reason as above claims 32-42 are also not anticipated by Slotznick under 35 U.S.C. § 102.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

The Office is authorized to charge the three-month small entity extension of time fee of \$510.00 to Kenyon & Kenyon LLP's Deposit Account No. 11-0600. A copy of this page is provided for this purpose.

Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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